

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

NOV 25 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Williamson,)
Plaintiff,)
v.)
McAfee, Inc.,)
Defendant.)
Case # 14 cv 158 EJD

CONSTITUTIONAL OBJECTION

I. ISSUES NEEDED TO BE DECIDED BY THIS HONORABLE COURT

Because class counsel did not ethically, fairly, or constitutionally represent my interest or any other member's interest, there is little chance this Honorable court heard and decided the following issues. The first issue is whether a post card to a U.S. citizen can guarantee the very substance of individual rights to life, liberty, and property as expressed in the Fifth and Fourteenth Amendments to the Constitution of the United States? The second issue is whether Rule 23 of the Federal Rules of Civil Procedure was intended to be used to manufacture a lawsuit when it is clear the original plaintiff suffered either nominal damages or no damages? The third issue is whether an attorney on the west coast can accurately, ethically, fairly, and legally represent the interest(s) of a United States citizen residing on the east coast, when there is absolutely no client-attorney relationship between the two? The fourth issue is whether a United States citizen who has no concrete injury can be a member to a class action lawsuit? The fifth issue is whether a name on a piece of paper, absent more, proves a United States citizen is in a situation similar with that of others?

II. BASIS FOR WRITING TO THIS HONORABLE COURT

I represent all those law abiding plebeians who are tired of being victims of larceny and fraud by different multitudes of crooks who rarely, if ever, see bars from the inside of a prison cell. If a condition of the settlement was a mandatory minimum of eight years imprisonment in maximum security, then perhaps I would not have opted out. Not opting out is a condition

precedent, however, for a class member to be heard. Perhaps this is true in North Korea, but not in the United States of America.

III. REASONS WHY THIS HONORABLE COURT SHOULD REJECT SETTLEMENT & NULLIFY ACTION

After one reads the predetermined settlement agreement between McAfee and class counsel, it would be hard for anyone, in their right mind, to conclude the settlement is fair and legal. Why? First, McAfee's alleged promise to no longer steal the money of their customers is illusory, because they are already under a legal obligation not to steal. Second, if McAfee stole money from a class member's credit card or bank account, then that class member will receive 11 bucks & 50 cents; provided the following occurs: (1) receive a post-card, (2) ascertain post-card, (3) access to a computer, (4) visit webpage, (5) ascertain webpage, (6) ascertain settlement, and (7) apply on-line.

When one adds up numbers one through seven, McAfee's payments of eleven dollars and fifty cents are as nugatory as their promise to no longer steal the money of U.S. citizens. There is nothing worthless, however, about the tons of cash that will electronically flow from McAfee to Lieff, Cabraser, Heimann & Bernstein LLP. *In return for sacrificing the substantive due process rights of all class members, the LLP receives approximately a quarter of a million dollars.* (Emphasis added). Who says the United States of America no longer manufactures anything?

Third, on the home page of www.McAfeeWilliamsonSettlement.com paragraph number four allows "eligible class members to receive an \$11.50 McAfee value certificate good towards the purchase of McAfee or Intel Security consumer products." Albeit, one can choose cash, class counsel should never have allowed the very people who stole in the first place to directly prosper from those they stole from. Because it is likely that no consumer product cost \$11.50 or less (court can take Judicial Notice), it is evident from the entire predetermined settlement agreement that only the interests of McAfee and class counsel were being represented.

Fourth, if a class member from New York stays in the class because they honestly believe this entire class action lawsuit is, *inter alia*, unconstitutional, then what. Either they fly all the way from New York to California to attend a rubber-stamp-hearing on the 26th of January in the year

2017 or, they hire an attorney at great expense to do the same. To prepare for this trip one must know California law, New York law, federal law, common law, Rule 23, and constitutional law. To be even more prepared to deliver an oration inside a federal district court, one must also know complaints, answers, motions, orders, and every other document constituting the record in this case, including, but not limited to, documents produced from requests to produce documents. Mastering both law and record is the only true way to represent anyone's interests.

It is almost impossible to master this subject matter in less than sixty days. The clock began running sometime in October when a post card was received by a class member, and it will stop running on the arbitrary day of November 28, 2016. All this energy, money, and time spent cramming, and for what: (1) a promise that crooks will no longer be crooks and/or (2) a prodigious 11 bucks and 50 cents. (Emphasis added). How can class counsel ever represent the interest(s) of a class member when they could not even negotiate rounding up to 12 bucks?

IV. CONCLUSION

In closing, what a shame it was to watch what transpired after the death of Justice Antonin Scalia. The inaction of some U.S. Senators not only brought shame upon the entire upper house, but what they failed to do was un-American. Until the United States Constitution is re-written the only remaining refuge for the citizenry is the judiciary. So, when deciding this case, never forget what the following leaders did to secure the blessings of liberty to our posterity: (1) George Washington signs the Neutrality Act, (2) John Marshall panegyrics Marbury v. Madison, (3) Andrew Jackson extinguishes Nicholas Biddle's 2nd US Bank, (4) Theodore Roosevelt dissects monopolies, and (5) Warren Burger champions civil rights.

V. MEMBER(S) PRAYER TO THIS HONORABLE COURT

WHEREFORE, this Honorable court should (1) reject the settlement and (2) nullify the entire class action lawsuit, because neither is equitable, ethical, nor constitutional.

Dated: November 21, 2016

Respectfully Submitted,
On Behalf of Victims of Larceny & Fraud

James P. Muggleton

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CERTIFICATE OF SERVICE

By using first class mail, I, James P. Muggleton, did send, prior to the 28th of November in the year of 2016, a copy of this document to defense counsel at their Washington, D.C. office, and to class counsel at their San Francisco, California office.

Sent: November 21, 2016

James P. Muggleton
James P. Muggleton